

Express Mail Label No.

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Docket No. LEAP:109_US
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## Declaration and Power of Attorney For Patent Application

### English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

**METHOD AND APPARATUS FOR AUTOMATICALLY SHUTTING OFF A MICROSCOPE**

the specification of which

(check one)

is attached hereto.

was filed on January 7, 2002 as United States Application No. or PCT International Application Number 10/040,566  
and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>
(Number)	(Country)	(Day/Month/Year Filed)	<input type="checkbox"/>

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional:

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(Application Serial No.)

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(Filing Date)

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(Application Serial No.)

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(Filing Date)

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(Application Serial No.)

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(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

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(Application Serial No.)

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(Filing Date)

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(Status)

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(patented, pending, abandoned)

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(Application Serial No.)

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(Filing Date)

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(Status)

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(patented, pending, abandoned)

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(Application Serial No.)

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(Filing Date)

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(Status)

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(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

**Robert P. Simpson, Esq., Registration No. 33,034**

**R. Craig Kauffman, Esq., Registration No. 20,362**

**Howard M. Ellis, Esq., Registration No. 25,856**

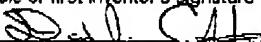
**Edward Tracy, Jr., Esq., Registration No. 47,998**

with the law firm of :

**Simpson & Simpson, PLLC**

Send Correspondence to: **Robert P. Simpson, Esq.**  
**Simpson & Simpson, PLLC**  
**5555 Main Street**  
**Williamsville, NY 14221**

Direct Telephone Calls to: *(name and telephone number)*  
**Robert P. Simpson, Esq., Telephone No. 716-626-1564**

Full name of sole or first inventor <b>David J. CASH</b>	Date
Sole or first inventor's signature 	<i>17 April 2002</i>
Residence <b>123 Heath Terrace, Kenmore, New York 14223 US</b>	
Citizenship <b>United States</b>	
Post Office Address <b>Same as Above</b>	

Full name of second inventor, if any <b>Vincent VACCARELLI</b>	Date
Second inventor's signature 	<i>April 17, 2002</i>
Residence <b>70 Montbleu Drive, Getzville, New York 14068 US</b>	
Citizenship <b>United States</b>	
Post Office Address <b>Same as Above</b>	

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David J. Cash

Serial No.: 10/040,566

Filed: January 7, 2002

For: METHOD AND APPARATUS FOR AUTOMATICALLY SHUTTING OFF  
A MICROSCOPE

STATEMENT UNDER 37 CFR §1.48(a)

I, the undersigned, hereby declare that I am a joint inventor of the subject matter which is claimed and for which United States Patent Application Serial No. 10/040,566 was filed on January 7, 2002 for the invention entitled METHOD AND APPARATUS FOR AUTOMATICALLY SHUTTING OFF A MICROSCOPE.

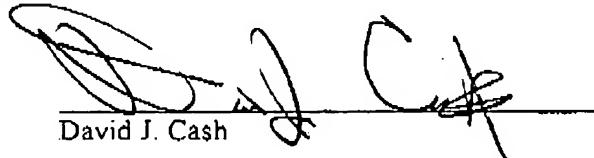
I also hereby declare that I have no disagreement in regard to the change in inventorship which adds Vincent Vaccarelli as a joint inventor.

I also state that I assigned my entire right, title and interest in the above-identified patent to Leica Microsystems Inc. by virtue of an Assignment executed on April 17, 2002 and mailed for recordal in the in the United States Patent and Trademark Office on April 23, 2002.

I, the undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the above-identified patent, hereby declare that the facts set forth in this Statement are true.

12 June 02  
Date

David J. Cash



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David J. Cash

Serial No.: 10/040,566

Filed: January 7, 2002

For: METHOD AND APPARATUS FOR AUTOMATICALLY SHUTTING OFF  
A MICROSCOPE

STATEMENT UNDER 37 CFR §1.48(a)(2)

I, Vincent Vaccarelli, a citizen of the United States of America residing at 70 Montbleu Drive, Getzville, New York 14068, hereby declare that I am a joint inventor of the subject matter which is claimed and for which United States Patent Application Serial No. 10/040,566 was filed on January 7, 2002 for the invention entitled METHOD AND APPARATUS FOR AUTOMATICALLY SHUTTING OFF A MICROSCOPE.

I also hereby declare that my name was inadvertently omitted from United States Patent Application Serial No 10/040,566, filed on January 7, 2002. I hereby declare that this inventorship error occurred without any deceptive intent on my part.

I also state that I assigned my entire right, title and interest in the above-identified patent to Leica Microsystems Inc. by virtue of an Assignment executed on April 17, 2002 and mailed for recordal in the United States Patent and Trademark Office on April 23, 2002.

I, the undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the above-identified patent, hereby declare that the facts set forth in this Statement are true.

12/5/02  
Date

Vincent Vaccarelli  
Vincent Vaccarelli

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: David J. Cash

Serial No: 10/040,566

Filed: January 7, 2002

For: METHOD AND APPARATUS FOR AUTOMATICALLY SHUTTING OFF  
A MICROSCOPE

STATEMENT UNDER 37 CFR §1.48(a)(5)

Leica Microsystems Inc. hereby states that it is the Assignee of the entire right, title and interest in the above-identified patent application as set forth in the attached Statement Under 37 CFR 3.73(b).

Leica Microsystems Inc. also hereby states that it has no disagreement in regard to the change in inventorship in the above-identified patent application which adds Vincent Vaccarelli as a joint inventor.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the above-identified patent, hereby declares that he is authorized to act on behalf of Assignee, and that the facts set forth in this Statement are true.

LEICA MICROSYSTEMS INC.

6-12-02  
Date

M E Wood  
Mark E. Wood  
Director of Finance \ *Sommer*

PTO/SB/96 (2-98)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant: David J. CashApplication No.: 10/040,566Filed: January 7, 2002Entitled: METHOD AND APPARATUS FOR AUTOMATICALLY SHUTTING OFF A MICROSCOPELeica Microsystems Inc.a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1.  the assignee of the entire right, title, and interest; or
2.  an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached. Additional documents in the chain of title are listed on a supplemental sheet. Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

6-12-02

Date

M. E. Wood

Signature

Mark E. Wood

Typed or printed name

Director of Finance / Secretary

Title

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.